

IN THE SUPREME COURT OF THE STATE OF DELAWARE

CHARLES B. SANDERS,	§
	§ No. 260, 2016
Defendant Below-	§
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware
STATE OF DELAWARE,	§
	§ Cr. ID 9312012607
Plaintiff Below-	§
Appellee.	§

Submitted: June 22, 2016
Decided: August 1, 2016

Before **STRINE**, Chief Justice; **HOLLAND** and **SEITZ**, Justices.

ORDER

This 1st day of August 2016, upon consideration of appellant Charles Sanders’ opening brief, the State’s motion to affirm, and the record below, the Court concludes that the judgment below should be affirmed on the basis of the Superior Court’s well-reasoned decision dated May 20, 2016. The Superior Court did not err in dismissing Sanders’ amended eighth motion for postconviction relief because the motion was procedurally barred and failed to satisfy the pleading requirements of Superior Court Criminal Rule 61(d)(2).

Moreover, we note that this Court previously enjoined Sanders from filing any future appeals or petitions relating to his 1994 convictions unless he first made the required certifications under 10 *Del. C.* § 8803(e) and was granted leave of the

Court to proceed *in forma pauperis*.¹ In this case, Sanders' motion to proceed *in forma pauperis* omitted the sworn certification that he previously had been found by a Delaware court to have engaged in factual or legally frivolous litigation and had been enjoined from future filings. Although his *in forma pauperis* motion was granted on June 30, 2016, we now hold that that order was improvidently issued. Thus, that order is RESCINDED and Sanders' *in forma pauperis* status is hereby REVOKED. The prior injunction remains in effect.

NOW, THEREFORE, IT IS ORDERED that this Court's June 30, 2016 order granting Sanders' *in forma pauperis* status is hereby RESCINDED. The judgment of the Superior Court is AFFIRMED.

BY THE COURT:

/s/ Leo E. Strine, Jr. _____

Chief Justice

¹ See *Sanders v. State*, 2015 WL 3766447, at *2 (Del. June 12, 2015).